UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/189,112	11/09/1998	SHMUEL SHAFFER	98P7917US	5131

7590 04/05/2004

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
186 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER	
HOM, SHICK C	

ART UNIT	PAPER NUMBER
2666	

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/189,112	SHAFFER ET AL.	
	Examiner	Art Unit	
	Shick C Hom	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 January 2004 and 17 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *18 and 22-32* is/are allowed.

6)☒ Claim(s) *1-8,10-17 and 19-21* is/are rejected.

7)☒ Claim(s) *9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 10-17, and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Vaziri et al. (6,377,570).

Regarding claim 1:

Vaziri et al. disclose the telecommunications system, comprising: a private branch exchange (PBX) coupled to a local area network (LAN), said PBX including a telephony feature access (TFA) gateway; a server coupled to said local area

network, said server configured to provide call processing via said LAN and configured to monitor bandwidth usage of calls it has processed on said LAN (see the LAN, the terminal devices coupled to the LAN, and gateway connecting the LAN to telephony access devices in Fig. 13; the PBX disclosed in col. 3 line 64 to col. 4 line 18; and col. 23 lines 31-44 which recite the gatekeeper providing bandwidth control clearly reads on the ToL server now claimed); one or more telephony devices operably coupled to said TFA gateway for call processing; one or more second telephony devices operably coupled to said server for call processing; and means associated with said server for accounting for bandwidth requirements of said one or more telephony devices operably coupled to said TFA gateway on said LAN and for calls for which said server has not performed said call processing when processing calls for said one or more second telephony devices (see col. 15 line 35 to col. 16 line 27 which disclose the steps of call processing which including determining, measuring, and adjusting the bandwidth using a look-up table in software and aborting the connection if bandwidth is not available clearly anticipate the call setup message, the database used to determine bandwidth, aborting and accounting for usage as now claimed).

Regarding claim 6:

Vaziri et al. disclose the method for communicating in a system including a PBX and a ToL server coupled to a LAN, said PBX adapted to process calls for telephony feature access (TFA) devices on said LAN, said ToL server adapted to process calls for ToL devices on said LAN (see the LAN, the terminal devices coupled to the LAN, and gateway connecting the LAN to telephony access devices in Fig. 13; the PBX disclosed in col. 3 line 64 to col. 4 line 18; and col. 23 lines 31-44 which recite the gatekeeper providing bandwidth control clearly reads on the ToL server now claimed), said method comprising: informing said ToL server of a call setup message associated with said PBX and TFA devices; accessing a database at said ToL server to determine if bandwidth is available on said LAN for a call processed by said PBX; sending an abort message to abort said call if bandwidth is not available; and said ToL server accounting for PBX user bandwidth usage when processing a ToL call (see col. 15 line 35 to co. 16 line 27 which disclose the steps of call processing which including determining, measuring, and adjusting the bandwidth using a look-up table in software and aborting the connection if bandwidth is not available clearly anticipate the call setup message, the database used to determine bandwidth, aborting and accounting for usage as now claimed).

Regarding claim 10:

Vaziri et al. disclose the method for communicating in a system including a PBX and a ToL server coupled to a LAN, said method (see the LAN, the terminal devices coupled to the LAN, and gateway connecting the LAN to telephony access devices in Fig. 13; the PBX disclosed in col. 3 line 64 to col. 4 line 18; and col. 23 lines 31-44 which recite the gatekeeper providing bandwidth control clearly reads on the ToL server now claimed) comprising: informing said ToL server of said a call setup message; accessing a database at said ToL server to determine if bandwidth is available on said LAN for a call processed by said PBX; sending an abort message to abort said call if bandwidth is not available; further comprising receiving said call setup message at said PBX, wherein said ate message is sent to said PBX; including informing said ToL server when a call processed by said PBX is completed (see col. 18 lines 34-57); and including said ToL server accounting for PBX user bandwidth usage when processing a ToL call (see col. 15 line 35 to col. 16 line 27 which disclose the steps of call processing which including determining, measuring, and adjusting the bandwidth using a look-up table in software and aborting the connection if bandwidth is not available clearly anticipate the call setup message, the database used to determine bandwidth, aborting and accounting for usage as now claimed).

Regarding claim 14:

Vaziri et al. disclose the system for processing telephone calls, comprising: a private branch exchange (PBX) coupled to a local area network (LAN), said PBX having associated therewith a telephony feature access (TFA) gateway, said PBX and TFA gateway adapted to provide call processing for TFA telephones on said LAN; a telephony over LAN (ToL) gatekeeper coupled to said LAN and configured to provide call control services for ToL phone calls on said LAN (see the LAN, the terminal devices coupled to the LAN, and gateway connecting the LAN to telephony access devices in Fig. 13; the PBX disclosed in col. 3 line 64 to col. 4 line 18; and col. 23 lines 31-44 which recite the gatekeeper providing bandwidth control clearly anticipate the ToL gatekeeper now claimed); and means associated with said ToL gatekeeper for monitoring bandwidth usage of telephone calls for which said ToL gatekeeper has not provided call control services and processed via said TFA gateway; wherein said Tel. gatekeeper is adapted to account for PBX user bandwidth usage on said LAN when processing a ToL call (see col. 15 line 35 to col. 16 line 27 which disclose the steps of call processing which including determining, measuring, and adjusting the bandwidth using a look-up table in software and aborting the connection if bandwidth is not available clearly anticipate the call setup

message, the database used to determine bandwidth, aborting and accounting for usage as now claimed).

Regarding claim 21:

Vaziri et al. disclose the method for communicating in a system including a PBX and a ToL server coupled to a LAN (see the LAN, the terminal devices coupled to the LAN, and gateway connecting the LAN to telephony access devices in Fig. 13; the PBX disclosed in col. 3 line 64 to col. 4 line 18; and col. 23 lines 31-44 which recite the gatekeeper providing bandwidth control clearly reads on the ToL server now claimed), said method comprising: informing said ToL server of a call setup message for a call being handled by said PBX on said LAN; accessing a database at said ToL server to determine bandwidth available on said LAN for said call processed by said PBX; said ToL server accounting for PBX user bandwidth usage when processing a ToL call; and aborting a ToL call but not a TFA call if bandwidth exceeds a predetermined usage (see col. 15 line 35 to col. 16 line 27 which disclose the steps of call processing which including determining, measuring, and adjusting the bandwidth using a look-up table in software and aborting the connection if bandwidth is not available clearly anticipate the call setup message, the database used to determine bandwidth, aborting and accounting for usage as now claimed).

Regarding claims 2, 12, 13:

Vaziri et al. disclose said server being an H.323 compatible server (see the H.323 system recited in col. 23 lines 31-44).

Regarding claim 3:

Vaziri et al. disclose said accounting means including means associated with said server for aborting a call being processed by said PBX (see col. 15 line 35 to co. 16 line 27 and col. 3 lines 64 to col. 4 line 18).

Regarding claim 4:

Vaziri et al. disclose said accounting means including means for preventing a call being processed by said server on said LAN (see col. 15 line 35 to co. 16 line 27 and col. 3 lines 64 to col. 4 line 18).

Regarding claim 5:

Vaziri et al. disclose said one or more second telephony devices coupled to said server for call processing are able to communicate with said H.323 server (see the H.323 system recited in col. 23 lines 31-44).

Regarding claim 7:

Vaziri et al. disclose receiving said call setup message at said PBX; and wherein said abort message is sent to said PBX

(see col. 15 line 35 to col. 16 line 27 and the PBX in col. 3 line 64 to col. 4 line 18).

Regarding claim 8:

Vaziri et al. disclose the step of informing said ToL server when said call processed by said PBX is completed (see col. 18 lines 34-57).

Regarding claim 11:

Vaziri et al. disclose wherein said informing step is performed by a client making said call processed by said PBX, and wherein said abort message is sent to said client (see col. 18 line 58 to col. 19 line 4 and col. 15 line 35 to col. 16 line 27).

Regarding claim 15:

Vaziri et al. disclose said monitoring means including means for aborting a call processed via said TFA gateway if bandwidth is unavailable (col. 15 line 35 to col. 16 line 27).

Regarding claim 16:

Vaziri et al. disclose said monitoring means including means for aborting at least one of said ToL phone calls if said bandwidth is not available (col. 15 line 35 to col. 16 line 27).

Regarding claim 17:

Vaziri et al. disclose a TFA client that is H.323 compliant but receives call functions from said TFA gateway and PBX (see

the H.323 system recited in col. 23 lines 31-44 and col. 18 line 58 to col. 19 line 4).

a TFA client is configured to provide a call request to said gatekeeper and, if said gatekeeper determines that bandwidth is available, provide a subsequent call request to said TFA gateway (col. 18 line 58 to col. 19 line 4 and col. 15 line 35 to col. 16 line 27).

Regarding claim 20:

Vaziri et al. disclose wherein wherein a TFA client is configured to submit a call request to said TFA gateway and inform said gatekeeper of said call request (col. 18 line 58 to col. 19 line 4 and col. 15 line 35 to col. 16 line 27).

Allowable Subject Matter

4. Claims 18 and 22-32 are allowed.

5. Claim 9 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tonnby et al. disclose telephone doubler arrangement.

7. Any response to this nonfinal action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

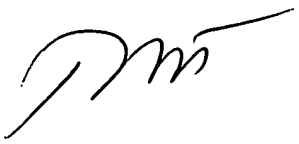
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (2600 Receptionist at (703) 305-4750).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742. The examiner's regular work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the

Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



SH

March 31, 2004